

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROY DEN HOLLANDER,

Plaintiff,

-against-

JUDGE FREDERIC BLOCK,

Defendant.
-----X

NICHOLAS G. GARAUFIS, United States District Judge.

ORDER

10-CV-1713 (NGG) (CLP)

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ **MAR 31 2011** ★

BROOKLYN OFFICE

In an Order dated April 29, 2010, the court dismissed as frivolous a case brought against United States District Court Judge Frederic Block by Plaintiff Roy Den Hollander, an attorney proceeding pro se. (Docket Entry # 5.) On May 3, 2010, the Clerk of Court entered judgment and closed the case. (Docket Entry # 6.) On May 7, 2010, Plaintiff filed a letter Motion for Pre-Motion Conference, seeking to amend his Complaint in the then-closed, above-captioned case. (Docket Entry # 8.) The court interprets Plaintiff's letter motion as a Motion for Reconsideration of the April 29, 2010 Order. For the following reasons, Plaintiff's Motion is denied.

Pursuant to Local Rule 6.3, a motion for reconsideration will generally be denied unless the moving party can establish: "(1) that the court overlooked controlling decisions or data [or] that there has been a change in decisions or data; (2) that there has been a change in controlling law; (3) that new evidence has become available; or (4) that reconsideration is necessary to correct a clear error or prevent manifest injustice." Hughes v. McWilliams, No. 04-CV-7030 (KMW), 2009 WL 2971757, at *1 (S.D.N.Y. Sept. 16, 2009) (citing Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995)). Courts narrowly construe and strictly apply the Rule in order to avoid "repetitive arguments on issues that have already been considered fully by the

court.” Caleb & Co. v. E.I. Du Pont De Nemours & Co., 624 F. Supp. 747, 748 (S.D.N.Y. 1985).

Having reviewed Plaintiff’s Motion, the court finds that the demanding standard for reconsideration has not been met. Plaintiff appears to argue that the court’s Order was made in error because “the real party in interest is, and has always been, the United States of America,” as opposed to Judge Block. (Docket Entry # 8.) In dismissing this case as frivolous, the court clearly acknowledged that Plaintiff’s allegations were against Judge Block in his official capacity, and fully considered Plaintiff’s arguments. (See Docket Entry # 5.) Plaintiff has not identified facts or controlling legal authority that the court overlooked, and nothing about this Motion changes the court’s analysis or undercuts the frivolity of Plaintiff’s claims. Moreover, Plaintiff has not identified any clear error or manifest injustice.

Accordingly, Plaintiff’s Motion for Reconsideration is DENIED.

SO ORDERED.

Dated: Brooklyn, New York
March 31, 2010

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge